

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 16, 1988

ALL COUNTY LETTER NO. 88-145

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SALDIVAR v. McMAHON, ACL 83-110, ACL 83-116,
ACIN I-136-83, ACL 84-08, ACL 84-47, ACL 84-74

Attached is the survey (report) form for the Saldivar v. McMahon survey to be used to transmit data to the Department of Social Services (SDSS), Statistical Services Section (SSS).

The Saldivar court order enjoins the SDSS from implementing MPP Section 22-022.2(j) and M.S. 63-504.265 which allowed the Counties to give less than ten days' notice when reducing a recipient's grant/Food Stamps (FS) even though the monthly eligibility report (CA-7) was received too late in the month to give timely notice of a reduction in aid. If this regulation was allowed to go into effect, a recipient who turned in a CA-7 as late as the first day of the payment month, could have his/her grant/FS adjusted immediately. Because this regulation is enjoined, a recipient's grant/FS cannot be reduced without ten days timely notice and must be paid in its entirety. This may create an overpayment if the recipient was not entitled to the aid payment previously authorized.

The ruling disallowed less than ten days' notification with grant reduction because Aid Paid Pending (APP) might not have been paid promptly enough to avoid a hardship to the recipient. The court found that when it was determined that benefits pending a hearing should continue, it could take up to fifteen working days for the benefits to be paid.

The Chief Counsel for the SDSS requested the survey so that the Department could return to the court, prove the Counties are paying APP promptly, and ask the court to lift the permanent injunction allowing the Counties to make correct payments and avoid the overpayments.

The SDSS chose a three month study period which balances the need to have a large enough sample to avoid statistical swings against the increased workload on the Counties. Counties contacted felt that the three month study period results would not vary significantly from results gathered in a six month study period.

You will note that the survey period is from January 2, 1989 through March 31, 1989. Three monthly reports will be due to the SDSS, Statistical Services Section by the 20th day of the month following each survey month. Actual due dates are as follows:

1. Original submission - due on Monday, February 20, 1989.
2. Subsequent report #1 - due on Monday, March 20, 1989.
3. Subsequent report #2 (final) - due on Thursday, April 20, 1989.

This survey applies to APP cases regardless of whether the case goes to hearing. In other words, it applies even if the request for hearing is subsequently withdrawn or the claimant fails to appear at the hearing.

In addition, the following information serves to provide you with definitions/clarifications for some of the language contained in the survey document.

For the purposes of this survey, the term "available" (as used in items 1.a, 1.b, and item 2 and defined in MPP Section 22-023.11) means the County has made APP obtainable in one of the following ways: (1) placed in the U. S. Mail (the APP must be mailed within five working days, not necessarily received) or (2) available for hand delivery to the recipient if agreed to by the County and recipient.

Within five working days - MPP 22-023.1 provides that "upon receipt of a request for hearing or notice from the Department that a recipient has filed a request for a State hearing, the County shall provide Aid Paid Pending the State hearing...when entitlement exists."

MPP 22.023.122 provides the County Welfare Department (CWD) shall compute the five-day time limitation for paying APP from the date:

- (a) A written request for a State hearing is received by the CWD.
- (b) The CWD is notified by the State that it has received a written request for hearing.
- (c) An oral request for hearing is received by the Department in Sacramento.

Item 2.c - Untimely receipt of case file from district office

These are instances where untimely delivery of case files has been experienced due to geographical conditions, distance between offices, etc.

Item 2.e - State did not timely notify the County

The County was not notified in a timely manner, therefore, not allowing the County to meet required timeframes.

Item 2.g - Cases not available for review (i.e., case sent to closed files)

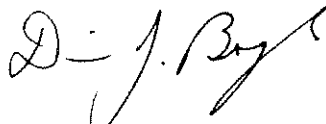
These are instances where case files were unavailable for review due to:

1. Case file lost
2. Case sent to closed files
3. Case sent to wrong location
4. Case file destroyed
5. Other reason or reasons not listed

Note: For Item 2, there can be more than one reason. However, every effort should be made to use the most significant reason.

When the data analysis of the survey results is complete, SDSS will share the results with the appropriate CWDA committees.

If you have any questions on the contents or definitions of this survey, please call Mr. Vince Toolan at (916) 324-2007. If you have any questions on the survey document itself, please call Mr. Levy St. Mary at (916) 445-2135.



DENNIS V. BOYLE
Deputy Director

cc: CWDA

Attachment

STATISTICAL REPORT

SEND ONE COPY TO:

Department of Social Services
Statistical Services Section
744 P Street, M.S. 19-84
Sacramento, California 95814
(916) 322-2230

Saldivar v. McMahon

NAME OF COUNTY SUBMITTING REPORT

THIS REPORT IS DUE ON OR BEFORE

The 20th day of the month following each month within the reporting period.

THIS REPORT IS

☐ ORIGINAL SUBMISSION

SUBSEQUENT REPORT

☐ REVISION NO. _____

NO. _____

REPORTING PERIOD

FROM: January 2, 1989

TO: March 31, 1989

1. Number of AFDC and/or FS State hearing requests which were initially determined eligible for Aid Paid Pending (APP) by the County and the client did not waive it. (Sum of 1a & 1b below)
 - a. Number of State Hearing requests in item 1 in which APP was available within 5 working days or by the effective date of the action (whichever is later)
 - b. Number of State Hearing requests in item 1 in which APP was not available within 5 working days or by the effective date of the action (whichever is later)
2. Total number of reasons why APP was not available within 5 working days or by the effective date of the action (whichever is later) (sum of a through h below)
 - a. Issue not clearly identified by client
 - b. Client did not provide case identification information
 - c. Untimely receipt of case file from district office
 - d. Computer processing error
 - e. State did not timely notify the county
 - f. County worker was not informed of filing
 - g. Case not available for review (i.e. case sent to closed files)
 - h. Other (specify)

[illegible]

PERSON TO CONTACT REGARDING THIS REPORT

TELEPHONE NUMBER

DATE _____